

FILE COPY

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF RICHARD C. THERN,
RESPONDENT, (E-09255)

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF DANE }

Janet C. Richie, being first duly sworn, on oath deposes and says that she is in the employ of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, and that on the 10th day of April 1972, she did deposit in the post office at Madison, Wisconsin, and left there to be carried by certified mail, a sealed postpaid envelope, containing a true and correct copy of the ORDER, addressed to Mr. Richard C. Thern, 712 Ohio Street, Oshkosh, Wisconsin.

Janet C. Richie

Subscribed and sworn to before me
this 10th day of April, 1972.

Notary Public, Dane County, Wis.
My Commission is permanent.

| INSTRUCTIONS TO DELIVERING EMPLOYEE | |
|--|---|
| <input type="checkbox"/> Show to whom, date, and address where delivered | <input type="checkbox"/> Deliver ONLY to addressee |
| (Additional charges required for these services) | |
| RECEIPT | |
| Received the numbered article described below. | |
| REGISTERED NO. | SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in) |
| CERTIFIED NO. 796794 | SIGNATURE OF ADDRESSEE'S AGENT, IF ANY |
| INSURED NO. | |
| DATE DELIVERED | SHOW WHERE DELIVERED (Only if requested) |
| APR 11 1972 | |

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF RICHARD C. THERN,
RESPONDENT, (E-09255)

ORDER
Case No. 72-1-2

This action coming on to be heard before the Engineers' Section of
the Examining Board of Architects, Professional Engineers, Designers, and
Land Surveyors on the 7th day of April, 1972, pursuant to notice duly given,
and on the complaint of the Department of Industry, Labor and Human Relations,
and the complainant having appeared by Sherwood K. Zink, Attorney for said
Board, and the respondent, Richard C. Thern, having appeared in person and
by Williams, Meyer, Williams & Haase, his Attorneys, by Thomas S. Williams,
and the Engineers' Section of the Board having heard the evidence, and being
advised in the premises, and upon the stipulation of the respondent, made
by his Attorneys, to having violated Sec. A-E 4.06 (2), of the Wis. Adm. Code
and consenting to a reprimand of the respondent for such violation.

NOW, THEREFORE, IT IS ORDERED, That the respondent, Richard C. Thern,
be, and he hereby is, reprimanded for having committed acts of misconduct in
the practice of engineering.

Dated this 7th day of April, 1972.

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS, AND LAND SURVEYORS
(ENGINEERS' SECTION)

By:

Edward A. Korpady
EDWARD A. KORPADY, Chairman, for the
Examining Board of Architects, Pro-
fessional Engineers, Designers, and
Land Surveyors (Engineers' Section)

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF RICHARD C. THERN,
RESPONDENT, (E-09255)

STIPULATION
Case No. 72-1-2

RICHARD C. THERN, respondent, by his attorney, Thomas Williams, and
the Examining Board of Architects, Professional Engineers, Designers, and
Land Surveyors (Engineers' Section), by its attorney, Sherwood K. Zink,
pursuant to a hearing held on the 7th day of April, 1972, at 9:30 in the
forenoon, at the City of Madison, Wisconsin, hereby agrees and stipulates
to the following:

1. That the respondent, Richard C. Thern, is duly registered by the
Engineers' Section of the Examining Board under the provisions of Section
443.01, Wis. Stats., as a Professional Engineer, Certificate No. E-09255.
2. That Charles A. Hagberg is the Administrator of the Division of
Safety and Buildings of the Department of Industry, Labor and Human Relations,
an agency of the State of Wisconsin, and has been directed by said Depart-
ment to initiate these proceedings pursuant to Section A-E 3.02 (1), Wis.
Adm. Code, to revoke the certificate of registration as a Professional Engineer
of the respondent, Richard C. Thern.
3. That the respondent, Richard C. Thern, is, and was at all times
referred to herein, President of Thern Associates, Inc., a Wisconsin Corpo-
ration, having as its place of business, 712 Ohio Street, Oshkosh, Wisconsin.
4. That Thern Associates, Inc., was retained sometime prior to Nov-
ember 6, 1970, to prepare plans and specifications for an addition to a
building known as Eddie's Evergreen Marina, located at 2800 Green Bay Road,
Oshkosh, Wisconsin, and owned by one E.A. Sedlachek of that address.

5. That, on November 6, 1970, Thern Associates, Inc., submitted building plans and specifications for said additions to the Department of Industry, Labor and Human Relations for approval, pursuant to Section IND 50.10, Wis. Adm. Code.

6. That, on December 9, 1970, approval of said plans and specifications was withheld by said Department pending receipt of additional information.

7. That, as of October 28, 1971, approval of said plans and specifications by the Department of Industry, Labor and Human Relations for the aforesaid addition had not been granted.

8. That, on October 28, 1971, the respondent, Richard C. Thern, in connection with a list of numerous projects completed, notified the Department of Industry, Labor and Human Relations that the aforesaid addition had been "completed in accordance with the plans and specifications conditionally approved by the Department of Industry, Labor and Human Relations", which notification was in error.

9. That the notification to the Department of Industry, Labor and Human Relations that the said addition had been completed in accordance with approved plans and specifications, when in fact plans and specifications had not been approved for said addition, was contrary to Wis. Adm. Code, Section IND 52.001 (2).

10. That such notification constituted a violation of Section A-E 4.06 (2), Wis. Adm. Code, on the part of the respondent, Richard C. Thern.

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF RICHARD C. THERN,
RESPONDENT (E-09255)

NOTICE OF HEARING

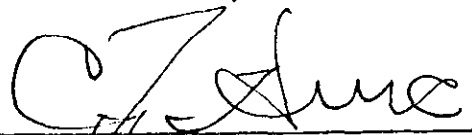
TO: Richard C. Thern
712 Ohio Street
Oshkosh, Wisconsin

PLEASE TAKE NOTICE, That a hearing will be held on the 7th day of April, 1972, at 110 North Henry Street, Madison, Wisconsin, at 9:30 o'clock in the forenoon, or as soon thereafter as the matter can be heard, on the question of whether the certificate of registration as a Professional Engineer in the State of Wisconsin, heretofore issued to the above named respondent, pursuant to Section 443.01, Wis. Stats., should be revoked by the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors (Engineers' Section). The issues involved and the charges then and there to be considered are set forth in the attached Complaint, to which you are required to make answer in writing at least thirty (30) days before the date set for said hearing.

Dated at Madison, Wisconsin, this 4th day of February, 1972.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS
AND LAND SURVEYORS
(ENGINEERS' SECTION)

By


C.F. Hurc, Secretary

Complainant's Attorney:

Sherwood K. Zink
110 N. Henry St.
Madison, Wisconsin 53703

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF RICHARD C. THERN,
RESPONDENT (E-09255)

COMPLAINT

The State of Wisconsin, Department of Industry, Labor and Human Relations by its employee, Charles A. Hagberg, complains against the respondent, Richard C. Thern, and alleges:

1. On information and belief, that the respondent, Richard C. Thern, of 712 Ohio Street, Oshkosh, Wisconsin, is duly registered by the Engineers' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, under the provisions of Sec. 443.01, Wis. Stats., as a Professional Engineer, Certificate No. E-09255.
2. That Charles A. Hagberg is the Administrator of the Division of Safety and Buildings of the Department of Industry, Labor and Human Relations, an agency of the State of Wisconsin, and was directed by said Department to initiate these proceedings, pursuant to Sec. A-E 3.02 (1), Wis. Adm. Code, to revoke the Certificate of Registration as a Professional Engineer of the respondent, Richard C. Thern.
3. On information and belief, that the respondent, Richard C. Thern, is, and was at all times referred to herein, President of Thern Associates, Inc., a Wisconsin Corporation having its place of business at 712 Ohio Street, Oshkosh, Wisconsin.
4. On information and belief, that Thern Associates, Inc., was retained sometime prior to November 6, 1970, to prepare plans and specifications for an addition to a building known as Eddie's Marina, located at 2800 Green Bay Road, Oshkosh, Wisconsin, and owned by one E.A. Sedlacher of that address.

5. That, on or before November 6, 1970, Thern Associates, Inc. submitted building plans and specifications for said addition to the Department of Industry, Labor and Human Relations for approval, pursuant to Sec. IND 50.10, Wis. Adm. Code.

6. That, on or about December 9, 1970, approval of said plans and specifications was withheld by said Department pending receipt of additional information.

7. That, as of October 28, 1971, approval of said plans and specifications by the Department of Industry, Labor, and Human Relations for the aforesaid addition, had not been granted.

8. That, on or about October 28, 1971, the respondent, Richard C. Thern, notified the Department of Industry, Labor and Human Relations that the aforesaid addition had been "completed in accordance with the plans and specifications conditionally approved by the Department of Industry, Labor and Human Relations."

9. On information and belief, that, subsequent to November 6, 1970, and prior to October 28, 1971, the respondent, Richard C. Thern, did construct, or did permit the construction of, the aforesaid addition.

10. That the notification of the Department of Industry, Labor and Human Relations that said addition had been completed in accordance with approved plans and specifications, when in fact no plans and specifications had been approved, constitutes gross negligence and misconduct in the practice of Professional Engineering on the part of the respondent, Richard C. Thern.

11. That the failure to obtain the approval of plans and specifications for said addition before constructing or permitting construction of said system, contrary to the requirements of Sec. IND 50.10 (3), Wis. Adm. Code, constitutes a violation of the rule of conduct of the Examining Board published as Sec. A-E 4.06 (2), Wis. Adm. Code, on the part of the respondent, Richard C. Thern.

WHEREFORE, complainant prays that Certification of Registration as a Professional Engineer of the respondent Richard C. Thern be revoked, pursuant to the authority vested in the Examining Board by Subsections 443.01 (13) (a) 4 and 443.01 (13) (a) 5 of the Wisconsin Statutes.

STATE OF WISCONSIN
DEPARTMENT OF INDUSTRY, LABOR
AND HUMAN RELATIONS

Charles A. Hagberg
Charles Hagberg, Administrator
Division of Safety and Buildings

STATE OF WISCONSIN)
COUNTY OF DANE } SS.

Charles A. Hagberg, being first duly sworn, on oath deposes and says that he is the Administrator of the Division of Safety and Buildings of the Department of Industry, Labor and Human Relations of the State of Wisconsin, and is duly authorized to make this verification, that he has read the foregoing Complaint and knows the contents thereof, that the same is true to his own knowledge, except as to those matters alleged on information and belief, and as to those matters, he believes it to be true.

Charles A. Hagberg
Charles A. Hagberg, Administrator

Subscribed and sworn to before me
this 20th day of January, 1972.

Sherwood K. Zink
Notary Public, Dane County, Wis.
My Commission Expires Is permanent.